

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-60005-CR-SMITH

UNITED STATES OF AMERICA

v.

STANTON WITHERSPOON,

Defendant.

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FACTUAL BASIS IN SUPPORT OF PLEA

The United States hereby files this factual basis in support of the change of plea of defendant **STANTON WITHERSPOON**. In support thereof, the government asserts the following facts:

Siena Education Center LLC was a Florida limited liability company, and its principal address was 7491 W Oakland Park Blvd, Suite 100, Lauderhill, Florida. Siena Education Center LLC was the registered agent and manager of Siena College of Health II LLC.

Siena College of Health II LLC (Siena College) was a Florida limited liability company, and its primary business address was 7491 W Oakland Park Blvd, Suite 100, Lauderhill, Florida. According to Siena College's website, it was licensed by the Florida Commission for Independent Education and the Florida Board of Nursing, and Siena offered a Practical Nursing Program and an RN to Bachelor of Science in Nursing Program. Furthermore, Siena College's website represented that it "is dedicated to educating adult students in the discipline of nursing and promoting immediate access to employment following successful program completion," and will "provide employment placement assistance."

The Nursing Education Resource Center (NERC) was a Delaware limited liability

company located at 102 Larch Avenue, Suite 203, Newport, Delaware.

Stanton Witherspoon, a resident of Burlington County, New Jersey, was the Founder/President of the NERC. Witherspoon entered into an agreement with Co-conspirator 1 in or around November 2018 to become a 50% owner of Siena Education Center LLC and Siena College (collectively Siena).

Alfred Sellu, a resident of Burlington County, NJ, was employed by the NERC.

Rene Bernadel, a resident of Westchester County, New York, was employed by the NERC.

Co-conspirator 1, a resident of Broward County, was the owner, Registered Agent, and Manager of Siena Education Center LLC and Siena College.

Co-conspirator 2, a resident of Providence County, Rhode Island, was employed by the NERC.

Co-conspirator 3 obtained a diploma and transcript issued by Siena College purporting to show that he/she attended Siena College and completed the necessary courses and/or clinicals to obtain an Associate Degree in Nursing diploma.

Co-conspirator 4 obtained a diploma and transcript issued by Siena College purporting to show that he/she attended Siena College and completed the necessary courses and/or clinicals to obtain an Associate Degree in Nursing diploma.

Co-conspirator 5 obtained a diploma and transcript issued by Siena College purporting to show that he/she attended Siena College and completed the necessary courses and/or clinicals to obtain an Associate Degree in Nursing diploma.

Health Care Provider-1 (HCP-1) was a hospital located in Georgia that employed licensed nurses to care for Medicare and Medicaid patients.

Health Care Provider-2 (HCP-2) was a Veterans Affairs (VA) Medical Center located in Maryland that employed licensed nurses to care for patients eligible for VA Health Care.

From at least as early as in or around November of 2018, and continuing through in or around October of 2021, in Broward County, in the Southern District of Florida, and elsewhere, the defendants, Stanton Witherspoon, Alfred Sellu, Rene Bernadel, co-conspirator 2, and others, via interstate wire communications, solicited and recruited co-conspirators, including co-conspirators 3-5, and others, seeking nursing credentials and employment as an RN or LPN/VN in the health care field.

Stanton Witherspoon, Alfred Sellu, Rene Bernadel, co-conspirators 1-2, and others sent and caused others to send, via interstate wire communications, information used to create false and fraudulent transcripts and diplomas from Siena College.

Stanton Witherspoon, Alfred Sellu, Rene Bernadel, co-conspirators 1-2, and others created and distributed, and caused to be created and distributed, via interstate wire communications, false and fraudulent transcripts and diplomas to co-conspirators, including co-conspirators 3-5, and others, falsely and fraudulently representing that the co-conspirators attended Siena College in Florida and completed the necessary courses and/or clinicals to obtain RN or LPN/VN diplomas, when in fact the co-conspirators had never actually completed the necessary courses and/or clinicals.

In furtherance of the conspiracy, co-conspirators, including co-conspirators 3-5 and others, used the false and fraudulent diplomas and transcripts and other records created and distributed, and caused to be created and distributed, by Stanton Witherspoon, Alfred Sellu, Rene Bernadel, co-conspirators 1-2, and others to obtain licensure as an RN or LPN/VN in various states including Maryland and Georgia.

Co-conspirators, including co-conspirators 3-5 and others, used the false and fraudulent diplomas, transcripts, and other documents created and distributed, and caused to be created and distributed, by Stanton Witherspoon, Alfred Sellu, Rene Bernadel, co-conspirators 1-2, and others, to fraudulently obtain employment and benefits as an RN or LPN/VN at various unwitting health care providers throughout the country, including HCP-1 and HCP-2. Those health care providers hired and paid salaries, wages, and other benefits to the co-conspirators based on their fraudulent credentials.

Stanton Witherspoon, Alfred Sellu, Rene Bernadel, co-conspirators 1-5 and others used the proceeds of the conspiracy for their personal use and benefit, and to further the conspiracy.

In 2018, Eunide Sanon contacted Stanton Witherspoon and requested his assistance in recruiting students for her school, Siena College. Sometime after that, Sanon and Stanton Witherspoon agreed to become 50/50 owners of Siena. However, Sanon later offered to sell Siena College to Alfred Sellu and an unindicted co-conspirator. Stanton Witherspoon initially provided Sanon with the names of out-of-state nursing student candidates; these students did not receive the required training at Siena.

Nevertheless, these students were issued Siena diplomas and transcripts which reflected that they completed all the required training and clinicals to obtain RN or LPN diplomas and transcripts. During this period 707 students applied to take the NCLEX using Siena transcripts.

Witherspoon and Sanon shared the proceeds from the fraud scheme at Siena. Witherspoon ^{AND CO-CONSPIRATORS} earned


^{CAUSED A LOSS} \$5,170,000.00 based on the foregoing criminal conduct. ^{AND WITHERSPOON EARNED \$3.5 MILLION. TJA}

Alfred Sellu, Rene Bernadel, and Cimoyne Alves were employees of Stanton Witherspoon who participated in the recruitment and training of individuals seeking nursing diplomas and transcripts. Initially Stanton Witherspoon only employed Alfred Sellu and Cimoyne Alves.

However, after a dispute he replaced Sellu and Alves with Rene Bernadel.

The above-described facts serve only as a summary of the testimony were this case to proceed to trial and are not intended to be an exhaustive account of all the information available to the Government concerning the offense charged in the instant indictment.

Date: 8/24/23

By: 
For CHRISTOPHER J. CLARK
ASSISTANT U.S. ATTORNEY

Date: 08/24/23

By: 
ANNABELLE NAHRA NADLER
ATTORNEY FOR DEFENDANT

Date: 08/24/23

By: 
STANTON WITHERSPOON
DEFENDANT